IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

CEARA WOODY, MICHAEL WOODY, and TEMPEST HORNSLEY,

Plaintiffs,

v.

CITY OF GRANITE CITY, ILLINOIS, STEVE WILLAREDT in his individual and official capacity, JOHN BIRDSONG, in his individual and official capacity, DAVID HENN, in his individual and official capacity, RICK SHELTON, in his individual and official capacity, RALPH WALDEN, in his individual and official capacity, CAPT. GAGICH, in his official capacity, LT. WERTHS, in his official capacity, PT. MANGIARACINO, in his official capacity, PT. DONAHEY, in his official capacity, SERGEANT WOJITOWICZ, in his official capacity, PT. HADLEY, in his official capacity, PT. ROBERTS, in his official capacity,

Defendants.

No.: 17-cv- ____________

PLAINTIFFS DEMAND JURY ON ALL COUNTS

COMPLAINT FOR DAMAGES

NOW COMES plaintiffs Ceara Woody, Michael Woody, and Tempest Horsley by their undersigned counsel, ARMBRUSTER DRIPPS WINTERSCHEIDT & BLOTEVOGEL, LLC and for their Complaint against the City of Granite City, and Steve Willaredt, John Birdsong, David Henn, Rick Shelton, Ralph Walden, in their official and personal capacities, and Capt. Gagich, Lt. Werths, Pt. Mangriaracino, Pt . Donahey, Sgt . Wojtowicz, Pt . Hadley, Pt. Roberts in their official capacity, state as follows:

Facts Common to All Counts

1. This is a civil rights action brought by Ceara Woody, Michael Woody, and Tempest Horsley to recover for damages caused by violations of their rights guaranteed by the Fourth and Fourteenth Amendments to the United States Constitution, though 42 U.S.C. 1983. The Court has jurisdiction pursuant to 28 U.S.C. 1331. Venue is proper in that all of the occurrences took place within the district.
2. At all times herein, plaintiffs resided in the City of Granite City at 300 Dale, Granite City, Illinois, 62040 ("Dale Property").
3. Until May 2016, Ceara Woody owned the Dale Property, and Michael Woody and Tempest Horseley resided at the Dale Property.
4. At all times herein, Steve Willaredt was the Administrator for the City of Granite City Building & Zoning Division, acting pursuant to state and municipal authority.
5. At all times relevant to this Complaint, John Birdsong, David Henn, Rick Shelton, Ralph Walden were employed by the Granite City Building & Zoning Department ("the building and zoning defendants").
6. At all times relevant to this Complaint, Capt. Gagich, Lt. Werths, Pt. Mangriaracino, Pt . Donahey, Sgt . Wojtowicz, Pt . Hadley, Pt. Roberts were employed by the Granite City Police Department ("the police defendants").
7. Between October 2014 and July 2015, Michael Woody and the City of Granite City litigated ordinance violations issued by the City of Granite City, by Steve Willaredt, and the building and zoning defendants. These defendants alleged that keeping chickens on the Dale property in conjunction with the Woody's religious beliefs violated City ordinances

8. During that time and thereafter until May 2016, the City of Granite City, Steve Willaredt, and the "building and zoning defendants" engaged in a course of conduct designed to force plaintiffs to move out of Granite City.
9. During that time and thereafter until May 2016, the City of Granite City, Steve Willaredt, and the "building and zoning defendants" entered the Dale property on numerous occasions, without permission from the plaintiffs, on the pretext of building and zoning violations.
10. During that time, the City of Granite City, at the direction of its administrator, and through the "building and zoning defendants" issued dozens of citations for violations related to the property that were eventually dismissed.
11. The occasions the City and the "building and zoning defendants" trespassed were close in proximity to dates when Michael Woody filed appellate briefs in their litigation against Granite City for ordinance violations:
12. On May 22, 2015, Michael Woody filed a reply brief with the Fifth District Court of Appeals for the State of Illinois.
13. On May 27, 2015, the Granite City fire department entered the Dale property without the permission of the plaintiffs to investigate a "fire pit" used by the Woody's, and a fire department official physically assaulted and threatened Caera Woody.
14. On June 1, 2015, one of the plaintiff's chickens disappeared. The plaintiff's chickens hold profound religious significance to the plaintiffs, a fact known by the City of Granite City, Steve Willaredt, and the "building and zoning defendants" through years of hearings and litigation.

15. In Early June 2015, Steve Willaredt applied for a special use permit from the City of Granite City without the request or permission of the plaintiffs, in an attempt to cover up the actions by the fire department in entering the plaintiffs' property.
16. In June 2015, the Building & Zoning Department cited the plaintiffs for a long grass ordinance violation.
17. In June 2015, Steve Willaredt and the building and zoning defendants followed Caera Woody, Michael Woody, and Tempest Horsley in their vehicles and parked outside their house on numerous occasions.
18. In June 2015, the City of Granite City, Steve Willaredt, and the building and zoning defendants broke into an RV on the Woody's property and took photographs of the RV and the property that they later attached to a citation, which was subsequently dismissed.
19. On June 25, 2015, the City of Granite City, Steve Willaredt, and the building and zoning defendants issued Caera Woody long grass, trash can, and bad tag ordinance violations that were later dismissed.
20. On June 25, 2015, the back yard, which was surrounded by a six foot privacy fence, was obviously searched and the garden and yard damaged.
21. On June 30, 2015, the City of Granite City, at the direction of administrator Steve Willard and the assistance of the building and zoning defendants, searched the interior of the Dale Property House.
22. The plaintiffs called the City of Granite City police department after each instance of trespassing and harassment, but the police defendants failed to bring correcting action against the building and zoning department.

23. The Mayor of the City of Granite City knew of the continued harassment and citation violations through various public hearings and took no corrective action against Willaredt and the Building and Zoning defendants.

24. On December 3, 2015, the Illinois Fifth District Court of Appeals reversed a trial court order affirming an administrative decision fining Woody for keeping farm animals on the property, and ordered a new administrative hearing on the record.

25. On February 8, 2016, the City of Granite City extended a settlement offer regarding the ordinance violation. The offer expired on February 23, 2016.

26. On March 4, 2016, Ralph Walden appeared on the Dale property, with the intent to trespass or search the property. Michael Woody attempted to take a photo of Walden on the Dale property, at which time Dale assaulted him, causing physical harm.

27. On March 4, 2016, Woody called the Granite City police to report Walden's conduct.

28. Plaintiffs made repeated calls to the Granite City police department, and no officer appeared for some time.

29. As in previous occasions, a Granite City police officer — Officer Mangriaracino — appeared, made a report, and concluded nothing happened, despite pictures taken by Michael Woody.

30. Plaintiffs contacted the Illinois State Police and asked for help protecting them from the Granite City Zoning & Building Department, but the Illinois State Police informed the plaintiffs they could not help, even though the Granite City Police Department took no action.

31. Within two months after Walden's assault on Michael Woody, Tempest Horsley moved out of her parents house, preferring to pay rent and associated housing costs than continue to face harassment, stalking, and threats of physical altercation with various Granite City officials both named herein and yet unknown.

32. Within two months after Walden's assault on Michael and Ceara Woody moved out of Granite City, from the home Ceara owned, to a rental property.

33. Michael and Ceara Woody both sustained injuries to their physical and mental health as a result of the continued harassment by the City of Granite City and various Granite City officials.

34. In May 2016, Ceara Woody signed a quitclaim deed to her home to the bank holding the mortgage. She sustained economic losses exceeding $80,000, damage to her credit, the loss of thousands of dollars of improvements to the home and yard.

Count One
(Municipal Liability - 42 USC 1983)

35. Plaintiffs incorporate paragraphs 1 through 34 as their paragraph 35, as if fully set forth herein.

36. At that time, there existed a federal statute, 42 U.S.C. 1983, that protected the plaintiffs from the violation of the Fourth Amendment to the United States Constitution by municipalities acting under color of law.

37. The Fourth Amendment safeguards the plaintiffs' right to be free from unreasonable searches and seizures of their property and their persons — which extends to routine inspection of the

physical condition of their private property without a warrant — and the right to live in their home without harassment.

38. It was the custom and policy of the City of Granite City, and in particular, the building and zoning division, to harass residents it considered unsavory until they moved out of the city.

39. As a result, the City of Granite City engaged in an ongoing pattern of harassment with the intention of forcing the plaintiffs to relocate.

40. The City of Granite City violated the plaintiff's civil rights in part as retribution for Michael Woody's successful religious liberties litigation against the city.

41. The City of Granite City further had a policy that allowed its officials to engage in widespread searches of private property without a warrant, in direct contradiction to settled Constitutional law.

42. The City of Granite City violated the plaintiff's civil rights secured though the Fourth and Fourteenth Amendments through continuous harassment — including following the plaintiffs, repeatedly entering their property without a warrant, numerous baseless citations, physical assault, damage to property, and other actions.

43. Due to the continued harassment, trespassing, assault, and stalking by officers and officials of the City of Granite City at the direction of administrator Willaredt and the building and zoning defendants, the plaintiffs sustained injuries, including, but not limited to:

    1. The loss of the Dale property;
    2. The loss of improvements made to the interior and exterior of the property, including the garden, roof, yard, and interior of the home;
    3. Physical pain and suffering;

4. Humiliation

5. Mental anguish;

6. Loss of a normal life;

7. Medical costs;

8. Legal fees;

9. Damage to credit and other financial losses to personal property;

10. The loss of the ability to practice their religion at their home.

WHEREFORE, plaintiffs Ceara Woody, Michael Woody, and Tempest Horsley respectfully request that this Honorable Court enter judgment on Count I in their favor and against defendant the City of Granite City for compensatory damages in an amount which is fair and sufficient under the circumstances together with costs of suit, attorneys' fees and such other and further relief as justice may require.

Count II
(Building and Zoning Individual Liability)
(Official Capacity - 42 USC 1983)

44. Plaintiffs incorporate paragraphs 1 through 43 as their paragraph 44, as if fully set forth herein.

45. The federal civil rights statute, 42 U.S.C. 1983, further protects the plaintiffs from the violations of their Fourth Amendment rights to be secure in their persons and home from public officials acting under color of law.

46. The Fourth Amendment safeguards the plaintiffs' right to be free from unreasonable searches and seizures of their property and their persons — which extends to routine inspection of the

physical condition of their private property without a warrant — and the right to live in their home without harassment.

47. Through a series of harassment, assault, invasion of property, issuance of baseless citations, and other behavior, Steve Willaredt and the building and zoning defendants violated the plaintiffs rights under the Fourth and Fourteenth Amendments to the United States Constitution

48. Defendants Steve Willaredt and the building and zoning defendants violated the plaintiff's civil rights in part as retribution for Michael Woody's successful religious liberties litigation against the city.

49. Defendants further intentionally violated the plaintiff's civil rights due to racial animus.

50. Due to the continued harassment, trespassing, assault, and stalking by officers and officials of the City of Granite City at the direction of administrator Willaredt and the building and zoning defendants, the plaintiffs sustained injuries, including, but not limited to:

    1. The loss of the Dale property;
    2. The loss of improvements made to the interior and exterior of the property, including the garden, roof, yard, and interior of the home;
    3. Pain and suffering;
    4. Humiliation;
    5. Mental anguish;
    6. Loss of a normal life;
    7. Medical costs;
    8. Damage to credit and other financial losses to personal property;

9. The loss of the ability to practice their religion at their home.

WHEREFORE, plaintiffs Caera Woody, Michael Woody, and Tempest Horsley respectfully request that this Honorable Court enter judgment on Count II in their favor and against defendant the City of Granite City for compensatory damages in an amount which is fair and sufficient under the circumstances and together with costs of suit, attorneys' fees, and such other and further relief as justice may require.

Count III
(Police Individual Liability)
(Official Capacity - 42 USC 1983)

51. Plaintiffs incorporate paragraphs 1 through 50 as their paragraph 51, as if fully set forth herein.

52. The federal civil rights statute, 42 U.S.C. 1983, further protects the plaintiffs from the violations of their Fourth Amendment rights to be secure in their persons and home from public officials acting under color of law, which includes their right to seek corrective action from officials charged with protecting plaintiffs by state and municipal law.

53. The Fourth Amendment requires municipal officials who know of a constitutional violation by other municipal officials to intervene and stop the violation.

54. Through a series of harassment, assault, invasion of property, issuance of baseless citations, and other behavior, Steve Willaredt, and the building and zoning defendants violated the plaintiffs rights under the Fourth and Fourteenth Amendments to the United States Constitution.

55. Plaintiffs made a number of calls to the Granite City Police Department and reported the conduct of the Building and Zoning Division to a variety of police officials, including the police defendants, but no corrective action was taking against the Building and Zoning Division

56. Due to the failure of the police defendants to take corrective action against the continued harassment, trespassing, assault, and stalking by officers and officials of the City of Granite City, at the behest of administrator Willaredt and the building and zoning defendants, the plaintiffs sustained injuries, including, but not limited to:

    1. The loss of the Dale property;
    2. The loss of improvements made to the interior and exterior of the property, including the garden, roof, yard, and interior of the home;
    3. Pain and suffering;
    4. Humiliation;
    5. Mental anguish;
    6. Loss of a normal life;
    7. Medical costs;
    8. Damage to credit and other financial losses to personal property;
    9. The loss of the ability to practice their religion at their home.

WHEREFORE, plaintiffs Caera Woody, Michael Woody, and Tempest Horsley respectfully request that this Honorable Court enter judgment on Count III in their favor and against defendant the City of Granite City for compensatory damages in an amount which is fair and sufficient under the circumstances and together with costs of suit, attorneys' fees and such other and further relief as justice may require.

Count IV
(Building and Zoning Individual Liability)
(Official Capacity - 42 USC 1983)

57. Plaintiffs incorporate paragraphs 1 through 56 as their paragraph 57, as if fully set forth herein.

58. The federal civil rights statute, 42 U.S.C. 1983, protects the plaintiffs from the violations to their rights to be secure in their persons and home from public officials acting under color of law.

59. 42 U.S.C. 1983 further allows plaintiffs to bring an action against municipal officials in their individual capacity when they violate a known right of an individual.

60. The Fourth Amendment safeguards the plaintiffs' right to be free from unreasonable searches and seizures of their property and their persons — which extends to routine inspection of the physical condition of their private property without a warrant — and the right to live in their home without harassment.

61. Through a series of harassment, assault, invasion of property, issuance of baseless citations, and other behavior, Willaredt, and the building and zoning defendants knowingly violated the plaintiffs rights under the Fourth and Fourteenth Amendments to the United States Constitution.

62. Defendants Willaredt and the building and zoning defendants engaged in widespread searches of plaintiffs' private property without a warrant, in direct contradiction to settled Constitutional law.

63. Defendants Willaredt and the building and zoning defendants engaged in a course of conduct over years designed to force plaintiffs to move out of Granite City, as a result of religious and racial animus.

64. Further, defendants Willaredt and the building and zoning defendants violated the plaintiff's known civil rights in part as retribution for Michael Woody's successful religious liberties litigation against the city.

65. Willaredt and the building and zoning defendants also attempted to hide their course of conduct, by appearing when plaintiffs were not at home, following plaintiffs vehicles, and other covert conduct, designed to avoid detection and documentation in various forms, including photographic.

66. Due to the continued harassment, trespassing, assault, and stalking by Willaredt and the building and zoning defendants, the plaintiffs sustained injuries, including, but not limited to:

1. The loss of the Dale property;
2. The loss of improvements made to the interior and exterior of the property, including the garden, roof, yard, and interior of the home;
3. Pain and suffering;
4. Humiliation;
5. Mental anguish;
6. Loss of a normal life;
7. Medical costs;
8. Damage to credit and other financial losses to personal property;
9. Physical injury;

10. The loss of the ability to practice their religion at their home.

WHEREFORE, plaintiffs Ceara Woody, Michael Woody, and Tempest Horsley respectfully request that this Honorable Court enter judgment on Count IV in their favor and against defendant the City of Granite City for compensatory damages in an amount which is fair and sufficient under the circumstances and together with punitive damages, costs of suit, attorneys' fees and such other and further relief as justice may require.

Respectfully submitted,

ARMBRUSTER, DRIPPS,
WINTERSCHEIDT & BLOTEVOGEL, LLC

By: /s/ *Courtney C. Stirrat*
Courtney C. Stirrat #6305084 (Lead)
Charles W. Armbruster #6211630
Roy C. Dripps, III #6182013
Michael T. Blotevogel #6282543
51 Executive Plaza Court
Maryville, Illinois 62062
618/208-0320
F: 800/927-1529
courtneys@adwblaw.com
charlesa@adwblaw.com
royd@adwblaw.com
mikeb@adwblaw.com
ATTORNEYS FOR PLAINTIFFS